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CALIFORNIA'S CODE TIME TABLE

BY J. H. KANN

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1902



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CALIFORNIA'S CODE TIME TABLE

Containing an Alphabetical Arrangement
of the Various Periods of Time Required

BY THE

CODE OF CIVIL PROCEDURE, THE CIVIL CODE, THE PENAL
CODE, AND THE RULES OF THE SUPREME COURT

Now in Force, in All Actions and
Proceedings in the Courts of the

STATE OF CALIFORNIA

With Notes Referring to the Amendments of 1901

BY JEROME H. KANN
Of the San Francisco Bar

SAN FRANCISCO
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PREFACE.

It can seldom be said of a law publication that it fills a long felt want, but, strange as it may seem, this is the only work containing a complete table of all periods of time, required in actions and proceedings in the Courts of California, ever published in this State. The full title of this book, as given on the title page, explains the character of the work. It is designed to meet the needs of the busy lawyer who is constantly confronted with the question as to the periods of time provided by law in the various actions and proceedings in this State. The work is practical; I have taken great pains to give an absolutely correct Table, and the Publisher has used his best efforts to further facilitate the use of this work.

I trust that this book will be to the lawyer what the time table is to the traveler.

JEROME H. KANN.

San Francisco, January, 1902.

ABBREVIATIONS.

- CCP. Code of Civil Procedure of the State of California.
CC. Civil Code of the State of California.
PC. Penal Code of the State of California.
RSC. Rules of the Supreme Court of the State of California.
App. Appendix.

CALIFORNIA'S

CODE TIME TABLE

Account

FIVE DAYS after demand of the items of an account the same must be delivered to the adverse party.

454 CCP.

**Items of
account**

THREE MONTHS after his appointment a guardian must render an account of the estate.

1754 CCP.

**Account of
guardian**

SIX MONTHS after his appointment an executor or administrator must render an exhibit under oath, showing the amount of money received and expended by him, the amount of all claims presented against the estate, and the names of the claimants, and all other

**Account of
executor and
administra-
tor**

ACCOUNT matters necessary to show the condition of
its affairs. 1622 CCP.*

Account of sale THIRTY DAYS after the sale of real property
an executor or administrator must return
an account of the sale. 1575 CCP.

See **Executor and Administrator**,
**Guardian, Public Administrator, Set-
tlement, Trustee.**

Action

See **Limitations, Statute of.**

Adjournment

TEN DAYS is the limit of the power of a
Judge of the Justices' Court to grant an ad-
journment, unless an undertaking is filed by
the party making the application to the
effect that said party will pay to the adverse

* Repealed :—Commissioners' Amendment, 1901.

party the amount of any judgment which may be recovered in the cause.

**ADJOURN-
MENT**

877 CCP.

FOUR MONTHS' adjournment may be had in the Justices' Court if a party cannot proceed for want of material testimony.

876 CCP.

THREE HOURS' adjournment, upon an application of the plaintiff, discharges defendant from custody if he has been arrested.

876 CCP.

See **Postponement**.

Administrator

TEN DAYS' notice of an application for letters of administration must be given.

**Letters of
administra-
tion**

1373 CCP.

FIVE DAYS before the return day the citation to an administrator to show cause why he should not give further security must be served on him.

Bond

1398 CCP.

**ADMINIS-
TRATOR****Claims against
the estate**

TWO MONTHS after his appointment the administrator must publish a notice to the creditors of the decedent, requiring all persons having claims against the estate to exhibit them.* 1490, 1511 CCP.

FOUR WEEKS the notice of the administrator, requiring all persons having claims against the decedent to exhibit the same, must be published. 1490 CCP.

TEN MONTHS after the first publication all creditors of the decedent must exhibit their claims to the administrator when the estate exceeds the value of \$10,000. 1491 CCP.

FOUR MONTHS after the publication all creditors of the decedent must exhibit their claims to the administrator when the estate does not exceed the value of \$10,000. 1491 CCP.

* TEN DAYS after the issuing of letters of administration the clerk must issue, and the administrator must cause to be published, a notice to the creditors of the decedent to exhibit their claims. 1490 CCP.—Commissioners' Amendment, 1901.

TEN DAYS after the presentation of a claim the administrator must endorse thereon his allowance or rejection. 1496 CCP.

**ADMINIS-
TRATOR**

THIRTY DAYS after a claim is allowed by the administrator the same must be filed in the Court. 1497 CCP.

**Claims
against
the estate**

THREE MONTHS after a claim is rejected by the administrator, if the same be then due, an action must be commenced thereon. 1498 CCP.

TWO MONTHS after a claim rejected by the administrator becomes due, the claimant must commence an action thereon. 1498 CCP.*

SIX MONTHS after his appointment the administrator must render an exhibit under oath, showing the amount of money received and expended by him, the amount of all

**Account and
inventory**

* THREE MONTHS after a claim is rejected by the administrator an action must be commenced thereon, whether the claim be then due or not.

1498 CCP.—Commissioners' Amendment, 1901.

**ADMINIS-
TRATOR**

claims presented against the estate, and the names of the claimants, and all other matters necessary to show the condition of its affairs. 1622 CCP.*

THREE MONTHS after letters of administration are granted, the administrator must return to the Court a true inventory and appraisal of all the estate of the decedent. 1443 CCP.

TWO MONTHS after the discovery of property not mentioned in the inventory, the administrator must cause the same to be appraised and return to the Court an inventory thereof. 1451 CCP.

Application to let real property TEN DAYS before the hearing of the application of the administrator to let real property, notice thereof must be given to all persons interested. 1579 CCP.

FOUR WEEKS the notice of the hearing of the application of the administrator to let real property must be published. 1579 CCP.

* Repealed :—Commissioners' Amendment, 1901.

FIVE YEARS is the limit of the power of the administrator to let real property.

**ADMINIS-
TRATOR**

1579 CCP.

FOUR WEEKS the order of the Court to show cause why real property should not be mortgaged by the administrator must be published.

**Application
to mortgage
real property**

1578 CCP.

TEN DAYS before the hearing, the order of the Court to show cause why real property should not be mortgaged by the administrator must be served on the parties interested.

1578 CCP.

FOUR WEEKS an order of the Court to show cause why real property should not be sold by the administrator must be published.

**Application
to sell prop-
erty of the
decendent**

1539 CCP.

TEN DAYS before the hearing, a copy of the order of the Court to show cause why real property should not be sold by the administrator must be served upon the parties interested.

1539 CCP.

**ADMINIS-
TRATOR**

FIVE DAYS' notice of the hearing of an application of the administrator to sell personal property must be given. 1523 CCP.

FOUR WEEKS an order of the Court to show cause why mines or mining interests should not be sold by the administrator must be published. 1531 CCP.

TEN DAYS before the hearing, a copy of the order to show cause why mines or mining interests should not be sold by the administrator must be served upon the parties interested. 1531 CCP.

**Sale of real
property**

THIRTY DAYS after the sale of real property the administrator must return an account of the same. 1575 CCP.

FOUR WEEKS an order of the Court to show cause why real property sold by the administrator should not be conveyed to the purchaser must be published. 1598 CCP.

SIX MONTHS after the decision of the Court, refusing to convey real property sold by the

administrator, the claimant may sue for specific performance. 1602 CCP.

**ADMINIS-
TRATOR**

TEN DAYS' notice of the final settlement of the account of an administrator must be given. 1634 CCP.

**Settlement
of account**

THIRTY DAYS after an administrator is committed for contempt, and has been in custody without obeying the order of the Court, letters of administration must be revoked. 1721 CCP.

**Revocation
of letters**

THREE YEARS after the settlement of the final account of the administrator, the heirs of the decedent, or other claimants, may bring an action to recover real property sold by the administrator. 1573 CCP.

**Limitation of
actions
against the
administra-
tor**

THREE YEARS after the discovery of fraud an action may be brought by the heirs of the decedent, or other claimants, to set aside a sale of real property made by the administrator. 1573 CCP.

See Confirmation, Public Administra-
tor.

Adverse Possession

**Against the
people**

TEN YEARS after a right or title to real property has accrued, the people of this State will not sue any person for or in respect to such property or the issues or profits thereof. 315 CCP.

**Under
written
instrument**

FIVE YEARS' continuous occupation of real property, under claim of title founded upon a written instrument, decree or judgment, is deemed an adverse possession, and includes the whole property if only part of the same has been so occupied; except that when the property consists of a tract divided into lots, the possession of one lot is not deemed a possession of any other lot of the same tract. 322 CCP.

**Without
written
instrument**

FIVE YEARS' actual and continued occupation of land, under a claim of title not founded upon a written instrument, judgment or decree, is deemed an adverse possession, but includes only the land actually occupied. 324 CCP.

**Landlord and
tenant**

FIVE YEARS after the termination of a ten-

ancy, the possession of the tenant becomes adverse to his landlord. 326 CCP.

**ADVERSE
POSSESSION**

FIVE YEARS before the commencement of an action for the recovery of real property, the possession must have been held adversely to the legal title. 321 CCP.

**Time of
occupation**

FIVE YEARS after a disability of the person who has the legal title to the property ceases, an action for the recovery thereof may be brought. 328 CCP.

Disability

Affidavit

ONE DAY before the day of the trial an affidavit alleging the disqualification of the judge must be filed. 170 CCP.

**Disqualifica-
tion of the
Judge**

TEN DAYS after the receipt of the copy of an answer, the affidavit denying the genuineness or due execution of a written instrument must be filed. 448 CCP.

**Genuineness
of written
instrument**

See **New Trial.**

Alias Summons

**In the
Superior
Court**

ONE YEAR after a complaint is filed alias
summons may be issued. 408 CCP.

**In the
Justices'
Court**

ONE YEAR after the filing of the complaint
the Justice may issue alias summons.
847 CCP.*

Alien

FIVE YEARS from the time of the succe-
sion, a non-resident alien must appear and
claim the estate. 672, 1404, 1405 CC.

Amended Pleadings

**In the
Superior
Court**

TEN DAYS after receipt of an amended plead-
ing, a demurrer or answer thereto must be
filed. 472 CCP.

* According to the Commissioners' Amendment,
1901, there is no specified time within which an alias
summons may be issued in the Superior Court.

TWO DAYS after service of an amended pleading, a demurrer or answer thereto must be filed in the Justices' Court. 860 CCP.

**AMENDED
PLEADINGS**

Amendments.

See **Bill of Exceptions.**

Annulment—of Marriage

FOUR YEARS after arriving at the age of consent, an action for annulment of marriage on the ground that the party was under the age of legal consent must be commenced.
83 CC.

FOUR YEARS after the discovery of the facts constituting fraud, an action for annulment of the marriage on the ground that the consent was obtained by fraud must be commenced.
83 CC.

FOUR YEARS after the marriage an action for annulment of the marriage must be commenced on the ground that the consent was obtained by force.
83 CC.

**ANNULMENT
OF MARRIAGE**

FOUR YEARS after the marriage an action that either party was physically incapable of entering into the marriage state must be begun. 83 CC.

See **Divorce**.

Answer**In the
Justices'
Court**

FIVE DAYS after the service of summons, when the summons is served in the same city, an answer must be filed in the Justices' Court; when the summons is served out of the city, but in the same county, the answer must be filed within **TEN DAYS** after such service; and when the summons is served in another county, the answer must be filed in the Justices' Court within **TWENTY DAYS** after such service. 845 CCP.

TWO DAYS after the service of an amended complaint, an answer or demurrer thereto must be filed in the Justices' Court.

860 CCP.

**In the
Superior
Court**

TEN DAYS after service of summons an answer must be filed, when the summons was

served within the same county ; and when the same is served elsewhere, the answer must be filed within thirty days after the service of the summons. 407 CCP.

ANSWER

TEN DAYS after the service of an amended complaint an answer thereto must be filed. 472 CCP.

ONE YEAR after the rendition of the judgment an answer may be filed, when the summons has not been served personally. 473 CCP.

Appeal

SIX MONTHS after the entry of a judgment an appeal must be taken therefrom, in case the judgment is a final one. 939 CCP.

**Time in
which appeal
must be
taken**

SIXTY DAYS after entry of an interlocutory judgment an appeal must be taken. 939 CCP.

**In civil
actions**

NINETY DAYS after the entry of the judgment rendered on appeal from an inferior Court, an appeal must be taken therefrom. 939 CCP.

APPEAL

SIXTY DAYS after the entry of an order, decree or judgment in probate proceedings, an appeal must be taken. 1715 CCP.*

THIRTY DAYS after notice of entry of a judgment in the Justices' and Police Courts, an appeal must be taken. 974 CCP.

In criminal cases

ONE YEAR after rendition of a judgment in a criminal case, an appeal must be taken. 1239 PC.

SIXTY DAYS after an order denying a motion for a new trial in a criminal case, or after an order made subsequently to the judgment, an appeal must be taken. 1239 PC.

THIRTY DAYS' notice of appeal must be given by publication in criminal cases where personal service cannot be made. 1241 PC.

FIVE DAYS' notice of a motion to dismiss an appeal in criminal cases must be given. 1248 PC.

* Repealed :—Commissioners' Amendment, 1901.

TEN DAYS after the rendition of a judgment in the Justices' or Police Courts, a statement of the case must be filed when the appeal is taken on questions of law only.

**APPEAL
Statement**

975 CCP.*

FORTY DAYS after the appeal is perfected and the bill of exceptions or statement settled, the transcript of record must be filed by the appellant.

Transcript

RSC II-1.

THIRTY DAYS after the appeal is taken, the transcript of record in criminal cases must be filed.

RSC II-7.

TWENTY DAYS' additional time may be allowed by the Court for the filing of the transcript.

RSC II-3.

THIRTY DAYS after the filing of the transcript on appeal, the appellant must file his brief.

Briefs

RSC II-4.

THIRTY DAYS after service of appellant's brief, the respondent must file his brief.

RSC II-4.

* Repealed :—Commissioners' Amendment, 1901.

APPEAL

TEN DAYS after service of respondent's brief, the appellant may file a reply brief.

RSC II-4.

TEN DAYS after filing the transcript in criminal cases, the appellant must file his brief.

RSC II-4.

TEN DAYS after service of appellant's brief, the Attorney-General must file his points and authorities.

RSC II-4.

FIVE DAYS after service of the brief of the Attorney-General, the appellant in criminal cases may file a reply brief.

RSC II-4.

TWENTY DAYS' additional time may be given by the Court for the filing of briefs.

RSC II-5.

**Notice of
motion and
exceptions**

FIVE DAYS' notice of objections or exceptions to the transcript, statement, bond, undertaking on appeal, notice of appeal or its service, must be given to the adverse party.

RSC XV.

TEN DAYS before the hearing of a motion in the Supreme Court, notice thereof must be given to the adverse party.

RSC XX-1.

FIVE DAYS are allowed within which the opposing attorney must join in the certificate that the transcript is correct, or serve upon the appellant a written statement of particulars in which the transcript is incorrect.

APPEAL
Certificate
that
transcript is
correct

RSC XI.

TWO DAYS after presentation to the opposing party of a corrected transcript, he must join in the certificate that the transcript is correct.

RSC XI.

TEN DAYS before the clerk of the Supreme Court makes up the calendar, the application for hearing of a cause in Bank must be made, when such application is made before the rendition of the judgment.

Petition for
hearing cause
in Bank

RSC XXVIII-1

TWENTY DAYS after the rendition of the judgment, the application for hearing of a cause in Bank must be made.

RSC XXVIII-1.

NINETY DAYS after submission of the cause in the Supreme Court, the opinion of the Court must be filed.

Written
opinion
of the Court

RSC XXX-3.

See **Bill of Exceptions, Notice, Undertaking.**

Appraisement

See Administrator, Executor and Administrator.

Appropriation

TEN DAYS after the posting of notice of appropriation, the same must be recorded.

1415 CC.

SIXTY DAYS after the posting of notice of appropriation, the claimant must commence the construction of the work.

1416 CC.

Arbitration

See Award.

Arrest

ONE DAY'S notice of an application for discharge must be given to the plaintiff.

1145 CCP.

TEN DAYS after the arrest in a civil action the prisoner may make an application for discharge.

1150 CCP.

THREE HOURS' postponement of a trial, **ARREST**
upon the application of plaintiff, discharges
the defendant from custody. 876 CCP.

See **Bail, Discharge, Undertaking.**

Assault

ONE YEAR after the cause of action accrues,
an action for assault must be commenced.
340 CCP.

Attachment

TWENTY DAYS after the receipt of a writ
of attachment the Sheriff must return the
same, if the writ was not issued at the time
of the issuing of the summons ; otherwise
the writ must be returned by the Sheriff at
the time of the return of the summons.
559 CCP.

FIVE DAYS after the service of the summons
an exception to the sufficiency of the sureties
must be filed. **539 CCP.**

**Sureties and
justification**

ATTACHMENT TWO DAYS' notice of the justification of the sureties must be given to defendant.

539 CCP.

See **Exemption, Homestead, Steamer.**

Attorney

See **Conviction.**

Award

FIVE DAYS after filing of the award it becomes a judgment, and may be entered as such.

1286 CCP.

FOUR DAYS' notice of an application for the entry of the award must be given.

1286 CCP.

Bail

Exoneration **TEN DAYS** after entry of the judgment, the bail may surrender the prisoner in their exoneration.

488, 489 CCP.

| | | |
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| TEN DAYS after filing of the undertaking the notice of refusal to accept the bail must be given to the Sheriff. | 492 CCP. | BAIL Justification |
|---|----------|-------------------------------|

FIVE DAYS' notice of the justification of
the bail must be given. 493 CCP.

See Surrender.

Battery

ONE YEAR after the cause of action arises
an action for battery must be begun.
340 CCP.

Bill of Exceptions

TEN DAYS after the entry of the judgment
when the action was tried with a jury, and
after notice of entry of the judgment when
the action was tried without a jury, the bill
of exceptions must be filed. 650 CCP.

TEN DAYS after the service of a bill of
exceptions amendments thereto must be
filed. 650 CCP.

**BILL OF
EXCEPTIONS**

TEN DAYS after receipt of the proposed amendments the bill of exceptions, together with the proposed amendments, must be presented to the Judge or delivered to the clerk. 650 CCP.

FIVE DAYS' notice of the presentation or delivery of the bill of exceptions must be given to the adverse party. 650 CCP.

TEN DAYS after the rendition of the judgment in criminal cases the bill of exceptions must be presented to the Judge for settlement. 1171, 1174 PC.

TWO DAYS' notice of the presentation of the bill of exceptions must be given to the District Attorney. 1171 PC.

Bill of Particulars

FIVE DAYS after the demand for a bill of particulars the same must be delivered to the adverse party. 454 CCP.

Bond

THREE YEARS after the discharge or removal of the guardian, an action against the sureties on the bond given by the guardian must be commenced. 1805 CCP.

Guardian

SIX MONTHS is the limit of the validity of an undertaking to keep the peace.

**Bond to keep
peace**

706 PC.

See **Bail, Undertaking.**

Brief

See **Appeal.**

Calendar

THIRTY DAYS before the commencement of a term in the Supreme Court, the clerk must place on the calendar all cases where a transcript and briefs are filed.

RSC IV.

See **Appeal.**

Change of Names

FOUR WEEKS a petition for change of name
must be published. 1277 CCP.

Citation

FIVE DAYS before the return day a citation
in probate proceedings must be served when
no other time is prescribed. 1711 CCP.

Claim and Delivery

TWO DAYS after the service of a copy of an
undertaking the defendant may except to
the sufficiency of the sureties. 513 CCP.

FIVE DAYS are allowed the defendant within
which he may demand return of the property
upon giving to the Sheriff the required
undertaking. 514 CCP.

TWO DAYS' notice at least must be given to
the plaintiff of the time and place of the
justification of sureties. 515 CCP.

Claims—Preferred

SIXTY DAYS' wages or salaries to the amount of one hundred dollars are preferred claims. 1204 CCP.

TEN DAYS after the receipt of notice of such claim the debtor or creditor intending to dispute the claim must make a statement in writing. 1207 CCP.*

See Steamer.

Commissioner

FIVE DAYS after notice that the report of a Court Commissioner has been filed, exceptions to the same must be taken. 259 CCP.

THIRTY DAYS after the foreclosure sale of property, the Commissioner must file a report and account of the sale. 729 CCP.

* FIVE DAYS after receipt of a copy of the statement containing the claim, the debtor or creditor intending to dispute the same must file a verified statement denying the validity of the claim.

1207 CCP.—Commissioners' Amendment, 1901.

Commitment

See Information.

Compromise

FIVE DAYS after receipt of an offer of defendant to compromise, the notice of acceptance of the offer must be given to defendant.
997 CCP.

Condemnation

See Eminent Domain.

Confirmation

ONE YEAR before the sale of real property by the executor or administrator the appraisalment thereof must have been made.
1550 CCP.

TEN DAYS' notice of the hearing of the confirmation of a sale of real property by the executor or administrator must be given.
1552 CCP.

Constable

TWO YEARS after the cause of action arises, an action against a constable upon liability incurred in his official capacity must be begun. 339 CCP.

Contract

FOUR YEARS is the limit of time within which an action upon a contract, obligation or liability founded upon an instrument in writing, executed in this State, must be brought. 337 CCP.

TWO YEARS is the limit within which an action upon a contract, obligation or liability, not founded upon an instrument in writing, or founded upon an instrument in writing executed out of the State, must be commenced. 339 CCP.

Conviction—of Attorney

FIVE DAYS before the hearing, a copy of the

CONVICTION OF ATTORNEY accusation must be served upon the attorney.
292 CCP.

THIRTY DAYS after the conviction of an attorney of a felony or a misdemeanor, involving moral turpitude, the clerk of the Court in which such conviction is had must transmit to the Supreme Court a certified copy of the record of conviction.

288 CCP.

Coroner

TWO YEARS after the cause of action arises an action must be commenced against a coroner upon a liability incurred by him in his official capacity.

339 CCP.

Corporation

Dissolution of corporation **THIRTY DAYS** at least the notice of an application for a dissolution of a corporation must be published.

1230 CCP.

FIVE DAYS' notice of the hearing of an application for the dissolution of a corpora-

| | | |
|--|-----------|--|
| tion must be given to all persons who filed objections. | 1232 CCP. | CORPORATION |
| THREE YEARS after the discovery of the facts, an action against the directors or stockholders of a corporation to recover a penalty or forfeiture must be commenced. | 359 CCP. | Limitation of actions against corporation |
| SIX MONTHS after the sale of stock for delinquent assessments an action to recover the same must be commenced. | 347 CC. | |
| TEN DAYS at least, after the issuance of the summons in a criminal case, are allowed the corporation to appear and answer the charge upon the information or the presentment. | 1390 PC. | Criminal procedure against corporation |
| THIRTY DAYS before the death of the testator the will must be executed, to make good a devise to a charitable corporation. | 1313 CC. | Devise to corporation |

Costs

FIVE DAYS after the rendition of the verdict or notice of decision, a memorandum of costs must be served upon the adverse party.

1033 CCP.

FIVE DAYS after the notice of the filing of a bill of costs, the motion to have the costs taxed must be made.

1033 CCP.

TWO DAYS after the costs are taxed the same must be inserted in the judgment.

1035 CCP.

THIRTY DAYS after the remittitur is filed the memorandum of costs on appeal must be filed.

1034 CCP.

THIRTY DAYS after the service of notice, that security for costs is required, the undertaking must be filed.

1037 CCP.

Credit

THREE YEARS' credit may be given by the guardian on a sale of real property.

1791 CCP.

Creditors

See Administrator, Executor and Administrator.

Damages

TWO YEARS after the death of a person caused by neglect or a wrongful act of another, an action to recover damages therefor must be commenced. 339 CCP.

THREE YEARS after the cause of action for injuring goods or chattels arises, an action for damages must be commenced. 338 CCP.

See Limitations, Statute of.

Death—Presumption of

SEVEN YEARS' absence of a person without being heard from raises the presumption of his death. 1963 CCP.

Decedent

See **Estate, Executor and Administrator.**

Decree

**Limitation
of actions
upon a decree**

FIVE YEARS are allowed within which an action may be brought upon a judgment or decree. 336 CCP.

**Motion to
set aside a
decree**

TEN DAYS after notice of the rendition of a judgment or decree, a notice of the intention to make a motion to set aside the judgment or decree must be served upon the adverse party. 663½ CCP.

SIXTY DAYS after serving of such notice of intention, the motion to set aside a judgment or decree must be made. 663½ CCP.*

* TWENTY DAYS after service of notice the motion to set aside a judgment or decree must be made. 663a—Commissioners' Amendment, 1901.

Default

TEN DAYS after the entry of the judgment in the Justices' Court by default, an application for relief therefrom must be made.

859 CCP.

**In the
Justices'
Court**

SIX MONTHS after entry of the judgment by default, an application for relief may be made.

473 CCP.

**In the
Superior
Court**

Demurrer

TEN DAYS after service of the summons, if the summons is served in the same county, a demurrer to the complaint may be filed; and when the summons is served elsewhere, the demurrer may be filed THIRTY DAYS after service of the summons. 407 CCP.

**In the
Superior
Court**

FIVE DAYS after service of the summons, in a case pending in the Justices' Court, a demurrer may be filed when the summons was served in the same city and county; when the summons is served out of the city but in the same county, a demurrer to the

**In the
Justices'
Court**

DEMURRER

complaint may be filed within **TEN DAYS** after service of the summons ; and when the summons is served elsewhere, a demurrer to the complaint may be filed within **NINETY DAYS.** 845 CCP.

**In the
Superior
Court**

TEN DAYS after the service of an amended pleading, a demurrer may be filed in a case pending in the Superior Court. 472 CCP.

**In the
Justices'
Court**

TWO DAYS after the service of an amended pleading, a demurrer to the same may be filed in the Justices' Court. 860 CCP.

Depositary for Hire

ONE YEAR after the storage charges are not paid, the depositary for hire may sell perishable property. 1857 CC.

Deposition

FIVE DAYS' notice of a deposition of a witness out of the State must be given to the adverse party. 2024 CCP.

Detainer

THREE YEARS after the cause of action arises, an action for taking and detaining goods must be brought. 338 CCP.

Detainer—Unlawful

ONE YEAR'S quiet possession of the premises is a complete bar to the proceedings for unlawful detainer. 1172 CCP.

ONE MONTH'S notice of the termination of the tenancy or other estate at will must be given to the tenant. 789 CC.

**Notice to
quit**

FIFTEEN DAYS' notice of a change in the terms of the lease must be given in all leases or tenements from month to month. 827 CC.

THREE DAYS' notice of re-entry must be given by the landlord where the right to re-entry has accrued. 791 CC.

**DETAINER—
UNLAWFUL**

FIVE DAYS' notice must be given to a person who unlawfully entered real property ; if he does not surrender the same within that period of time, he is guilty of forcible entry and unlawful detainer.

1160 CCP.

THREE DAYS' notice must be given to the tenant to perform the conditions of the lease, and if he fails to do so within that time, he is guilty of unlawful detainer.

1160, 1161 CCP.

**Service of
summons**

TWO DAYS at least before the return day, the summons in an action for unlawful detainer must be served upon the defendant.

1167 CCP.*

See **Entry, Landlord and Tenant.**

* **THREE DAYS** after the service of the summons in an action for unlawful detainer the defendant must appear and answer.

1167 CCP.—Commissioners' Amendment, 1901.

Directors

THREE YEARS after the discovery of the facts, an action against directors of a corporation must be commenced.

359 CCP.

Discharge

ONE DAY'S notice of the hearing of an application for discharge must be given to the plaintiff.

1145 CCP.

TEN DAYS after the arrest in a civil action the prisoner may make an application for his discharge, and such application may be made every TEN DAYS thereafter.

1150 CCP.

THREE HOURS' postponement of a trial, upon the application of the plaintiff, discharges the defendant from arrest.

876 CCP.

ONE WEEK'S payment for the support of a prisoner must be made in advance.

1154 CCP.

**DISCHARGE
In criminal
actions**

THIRTY DAYS is the limit within which a person can be held to answer for a public offense, unless an indictment is found or an information is filed. 1382 PC.

SIXTY DAYS after the finding of the indictment or the filing of the information, the defendant must be brought to trial.

1383 PC.

Dismissal

ONE HOUR after the time of the hearing the parties must appear, and if the plaintiff fails to do so the case must be dismissed.

890 CCP.

See **Default, Relief.**

Disqualification

ONE DAY at least before the day set for trial, the affidavit alleging the disqualification of the Judge must be filed. 170 CCP.

Dissolution

FIVE DAYS' notice of the hearing of an application for dissolution of a corporation must be given to the person who has filed objections thereto. 1232 CCP.

THIRTY DAYS at least the notice of an application for the dissolution of a corporation must be published. 1230 CCP.

Distribution

ONE YEAR after the issuance of letters testamentary a petition of distribution of the estate may be filed. 1663 CCP.*

FOUR MONTHS after the issuance of letters testamentary the legatees may file a petition for partial distribution. 1658 CCP.

Divorce

TWO YEARS after the commission of the act of adultery, or after its discovery by the

* Repealed :—Commissioners' Amendment, 1901.

DIVORCE

injured party, an action for divorce on the ground of adultery must be brought.

124 CC.

ONE YEAR'S continuance of willful desertion, willful neglect, or habitual intemperance, is necessary to constitute a ground for divorce.

107 CC.

TWO YEARS after the pardon or determination of the period of sentence, an action for divorce, where the cause is conviction of felony, must be commenced.

124 CC.

TWO YEARS must have elapsed after the condonation before the accruing of a cause for divorce.

123 CC.

ONE YEAR the plaintiff must be a resident of this State, and THREE MONTHS he must have been residing in the county where the action is brought, to be entitled to a decree of divorce.

128 CC.

Docket

· See Judgment.

Document

THIRTY-YEARS old document is presumed by law to be genuine, having so been considered by the parties. 1963 CCP.

Elections—Contesting

FORTY DAYS after the return of the election a person contesting the election must file a written statement. 1115 CCP.*

THREE DAYS before the trial, a list of illegal voters must be delivered. 1116 CCP.

TEN DAYS at least after the order of the Court, a hearing of the contested election must be held. 1118 CCP.

FIVE DAYS' notice of the hearing must be given to the persons whose right to the office is contested. 1119 CCP.

* TWENTY DAYS after the election the statement must be filed.

1115 CCP.—Commissioners' Amendment, 1901.

**ELECTIONS—
CONTESTING**

TEN DAYS after the rendition of the decree annulling the election, an appeal therefrom must be taken. 1127 CCP.

Eminent Domain

THIRTY DAYS after final judgment, the assessed sum must be paid. 1251 CCP.

Entry

See **Forcible Entry, Judgment.**

Entry—upon Real Property

ONE YEAR after entry upon real property an action must be begun thereupon ; otherwise the entry is not deemed valid as a claim. 320 CCP.

Escape

ONE YEAR after the cause of action arises, an action against the Sheriff or officer for the escape of the prisoner must be begun.

340 CCP.

Escheat

FORTY DAYS after the order of the Court requiring to show cause why the estate should not vest in the State, all claims to escheated estates must be presented.

1269 CCP.

ONE MONTH at least the order of the Court requiring to show cause why the estate should not vest in the State must be published.

1269 CCP.

TWENTY YEARS after judgment, persons who have not been parties to the proceeding to declare the estate escheated may file their claims to the same.

1274 CCP.

Estates of Deceased Persons

ONE YEAR after the granting of letters testamentary the estate of the deceased must be settled, in case the estate is insolvent.

1466 CCP.

**Settlement of
the estate**

ONE YEAR after the issuance of letters testamentary, claims to the estate of the deceased person must be filed.

1664 CCP.

**Claims
against the
estate**

**ESTATES OF
DECEASED
PERSONS**

TEN DAYS after the presentation, the executor and administrator must endorse the claim as allowed or rejected. 1496 CCP.

THIRTY DAYS after allowance of a claim by the executor and administrator the same must be filed. 1497 CCP.*

THREE MONTHS after the rejection of a claim by the executor and administrator, an action thereon must be commenced, if it then be due. 1498 CCP.

TWO MONTHS after a claim against the estate of the deceased becomes due, an action must be begun. 1498 CCP.†

See Administrator, Executor and Administrator, Public Administrator.

* According to the Commissioners' Amendment of 1901, of Sec. 1497, CCP., there is no time specified within which claims must be filed.

† THREE MONTHS after the rejection an action upon the claim must be brought, whether the same be then due or not.

1498 CCP. :—Commissioners' Amendment, 1901.

Examination

SIXTY DAYS is the limit to which the examination of a person arrested can be postponed.

861 PC.

Exception

See Sureties.

Execution

FIVE YEARS after the entry of a judgment, the same may be enforced.

681, 901 CCP.

FIVE DAYS' notice of the sale of personal property on execution must be given by posting.

692 CCP.

TWENTY DAYS' notice of the sale of real property on execution must be given by posting, and the said notice must be published for the same period of time.

692 CCP.

See Exemption, Homestead, Redemption.

Executor and Administrator

Letters of administration and letters testamentary

TEN DAYS' notice of the hearing of an application for letters of administration must be given. 1373 CCP.

THIRTY DAYS after the executor received knowledge of the death of the testator, the executor must file a petition for the probating of the will and for issuing of letters testamentary. 1301 CCP.

Bond

FIVE DAYS before the return day, the citation to show cause why he should not give further security, must be served on the executor and administrator. 1398 CCP.

Claims against the estate

TWO MONTHS after letters of administration are granted, the executor and administrator must publish a notice to the creditors of the decedent, requiring all persons having claims against him to exhibit them.

1490,* 1511 CCP.

* TEN DAYS after the issuing of letters testamentary or of administration the clerk must issue, and the executor or administrator must cause a notice to be published, that all creditors of the estate shall appear and exhibit their claims.

1490 CCP.—Commissioners' Amendment, 1901.

FOUR WEEKS the notice of the executor and administrator requiring all persons to exhibit their claims must be published.

1490 CCP.

**EXECUTOR
AND ADMIN-
ISTRATOR**

FOUR MONTHS after the publication all creditors of the decedent, when the estate does not exceed the value of ten thousand dollars, must exhibit their claims to the executor and administrator.

1491 CCP.

TEN MONTHS after the first publication, all creditors of the decedent, when the estate exceeds the value of ten thousand dollars, must exhibit their claims to the executor and administrator.

1491 CCP.

TEN DAYS after presentation of the claim, the executor and administrator must endorse thereon his allowance or rejection.

1496 CCP.

THIRTY DAYS after the claim is allowed by the administrator the same must be filed.

1497 CCP.

**EXECUTOR
AND ADMIN-
ISTRATOR**

THREE MONTHS after a claim is rejected by the executor and administrator, an action must be commenced thereon, if the same be then due. 1498 CCP

TWO MONTHS after a claim rejected by the executor and administrator becomes due, the claimant must commence an action thereon. 1498 CCP.*

**Account and
inventory**

SIX MONTHS after his appointment, the executor and administrator must render an exhibit, under oath, showing the amount of money received and expended by him, the amount of all the claims presented against the estate, and the names of the claimants, and all other matters necessary to show the condition of its affairs. 1622 CCP.†

THREE MONTHS after letters of administration are granted, the executor and adminis-

* **THREE MONTHS** after the rejection of a claim an action must be commenced thereon, whether it be then due or not.

1498 CCP. Commissioners' Amendment, 1901.

† **Repealed** :—Commissioners' Amendment, 1901.

trator must return to the Court a true inventory and appraisement of all the estate of the decedent. 1443 CCP.

**EXECUTOR
AND ADMIN-
ISTRATOR**

TWO MONTHS after discovery of property not mentioned in the inventory, the executor and administrator must cause the same to be appraised and return to the Court an inventory thereof. 1451 CCP.

TEN DAYS before the hearing of the application of the executor and administrator to let real property, notice must be given to all persons interested. 1579 CCP.

**Application
to let real
property**

FOUR WEEKS after the order of the Court is made to show cause why real property should not be let by the executor and administrator, objections thereto must be made. 1579 CCP.

FIVE YEARS is the limit of the power of the executor and administrator to let real property. 1579 CCP.

**EXECUTOR
AND ADMIN-
ISTRATOR
Applicatlon
to mortgage
real property**

FOUR WEEKS the order of the Court to show cause why real property should not be mortgaged by the executor and administrator must be published. 1578 CCP.

TEN DAYS before the hearing, the order of the Court to show cause why real property should not be mortgaged by the executor and administrator must be served on the parties interested. 1578 CCP.

**Application
to sell real
property**

FOUR WEEKS the order of the Court to show cause why real property should not be sold by the executor and administrator must be published. 1539 CCP.

TEN DAYS before the hearing, a copy of the order of the Court to show cause why real property should not be sold by the executor and administrator must be served upon the parties interested. 1539 CCP.

FIVE DAYS' notice of the hearing of the application of the executor and administrator to sell real property must be given. 1523 CCP.

FOUR WEEKS the order of the Court to show cause why mines or mining interests should not be sold by the executor and administrator must be published.

**EXECUTOR
AND ADMIN-
ISTRATOR**

1531 CCP.

TEN DAYS before the hearing, a copy of the order to show cause why mines or mining interests should not be sold by the executor and administrator must be served upon parties interested.

1531 CCP.

THIRTY DAYS after the sale of real property the executor and administrator must return an account of the same.

**Sale of real
property**

1575 CCP.

FOUR WEEKS an order of the Court to show cause why real property sold by the executor and administrator should not be conveyed to the purchaser must be published.

1598 CCP.

SIX MONTHS after the decision of the Court refusing to convey to the purchaser real property sold by the executor and administrator, the claimant must sue for specific performance.

1602 CCP.

**EXECUTOR
AND ADMIN-
ISTRATOR**

TEN DAYS' NOTICE of the settlement of the final account of the executor and administrator must be given. 1634 CCP.

**Revocation
of letters**

THIRTY DAYS after the executor and administrator is convicted for contempt, and has been in custody without obeying the order of the Court, the letters must be revoked. 1721 CCP.

**Limitation of
actions
against
executor and
administra-
tor**

THREE YEARS after the settlement of the final account of the executor and administrator, the heirs of the decedent, or other claimants, may bring action to recover real property sold by the executor and administrator. 1573 CCP.

THREE YEARS after the discovery of fraud, an action may be brought by the heirs of the decedent, or other claimants, to set aside a sale of real property made by the executor and administrator. 1573 CCP.

See Confirmation, Public Administrator.

Exemption

SIXTY DAYS' wages or salaries for services rendered before the levy of execution are exempted from execution, unless such claims are disputed by the debtor or the creditor ; in which case an action can be brought thereon within TEN DAYS after the levy of execution. **Exemption
from
execution**

1206 CCP.

THIRTY DAYS' earnings of the judgment debtor immediately preceding the execution or attachment are exempted from execution.

690 CCP.

ONE MONTH'S food for two oxen, two horses, or two mules, and seed, grain and vegetables reserved for the purpose of planting at any time within the ensuing SIX MONTHS, are exempted from execution.

690 CCP.

False Imprisonment

ONE YEAR after the cause of action arises, a suit for false imprisonment may be commenced.

340 CCP.

Final Account

See **Executor and Administrator, Settlement.**

Final Distribution

See **Distribution.**

Forcible Entry

FIVE DAYS after demand, a person who unlawfully enters real property, and does not surrender the same within that period of time, becomes guilty of forcible entry and unlawful detainer. 1160 CCP.

TWO DAYS at least before the return day the summons in an action of forcible entry must be served on the defendant.

1167 CCP.*

* THREE DAYS after the service of summons in an action for forcible entry the defendant must appear and answer.

1167 CCP.—Commissioners' Amendment, 1901.

ONE YEAR'S quiet possession is a bar to all **FORCIBLE**
proceedings for forcible entry. **ENTRY**

1172 CCP.

See **Detainer**.

Foreclosure

See **Mortgage, Redemption**.

Forfeiture

ONE YEAR after the cause of action arises,
an action for forfeiture upon a statute can be
commenced. 340 CCP.

Fraud

THREE YEARS after the cause of action
arises, an action for relief on the ground of
fraud can be brought. 338 CCP.

Genuineness

TEN DAYS after receipt of an answer, the
plaintiff may file an affidavit denying the
genuineness of the written instrument
pleaded by the defendant. 448 CCP.

Guardian and Ward

Guardian ad litem

TEN DAYS after the service of summons an infant may apply for the appointment of a guardian *ad litem*. 373 CCP.

TEN DAYS after the service of summons on a minor over the age of fourteen years, the Court may appoint a guardian *ad litem*, if the minor neglects within that time to appoint one. 1749 CCP.

Inventory and accounts

THREE MONTHS after his appointment, the guardian must return to the Court an inventory of the property. 1773 CCP.

ONE YEAR after his appointment the guardian must present to the Court the accounts for settlement. 1774 CCP.*

THREE MONTHS after his appointment the guardian must render an account of the estate. 1754 CCP.

* Repealed :—Commissioners' Amendment, 1901.

THIRTY DAYS after the guardian becomes guilty of contempt of Court, for not rendering accounts according to the order of the Court, his letters must be revoked.

**GUARDIAN
AND WARD**

1801 CCP.

TEN DAYS' notice of the application for removal of property must be given to the resident guardian.

**Removal of
property**

1798 CCP.

THREE YEARS after the discharge or removal of a guardian, an action against the sureties on bond of the guardian must be commenced.

**Actions
against
sureties on
bond of the
guardian**

1805 CCP.

THREE YEARS after the termination of the guardianship, an action for the recovery of an estate sold by the guardian must be brought by the ward.

**Sale of real
property**

1806 CCP.

FOURTEEN DAYS before the hearing of the petition of the guardian to sell real property, a copy of the order of the Court to show cause why the same should not be sold must be served upon the parties interested.

1783 CCP.

**GUARDIAN
AND WARD**

THREE WEEKS the order of the Court made upon the petition of the guardian to sell real property, requiring all persons interested to appear and to show cause why the property should not be sold, must be published.

1783 CCP.

THREE YEARS' credit may be given by the guardian to the purchaser of real property.

1791 CCP.

**Discharge of
guardian**

ONE YEAR after the ward's majority a guardian may be discharged. 257 CC.*

**Guardianship
for
Incompetent
persons**

FIVE DAYS' notice of the hearing of the application for guardianship must be given to the supposed incompetent person.

1763 CCP.

See **Executor and Administrator,
Notice, Probate.**

Heirs

ONE YEAR after the issuance of letters testamentary, the heirs or legatees may file a petition for final distribution of the estate.

1664 CCP.

* Repealed :—Commissioners' Amendment, 1901.

FOUR YEARS after the devisor's death, the will must have been proved to make good the conveyance of an heir. 1364 CC.

HEIRS

See **Executor and Administrator, Probate.**

Homestead

TWO DAYS' notice of the hearing of the petition to appraise the value of a homestead on execution must be given to the claimant. 1248 CC.*

**Appraise-
ment on
execution**

FIFTEEN DAYS after their appointment, the appraisers must make their report to the Court. 1252 CC.

SIX MONTHS after the sale of a homestead, the money received therefrom by the claimant is entitled to the same protection from legal process which the law gives to the homestead itself. 1257 CC.

Sale

* TEN DAYS before the hearing a copy of the petition must be served on the claimant.

1248 CC.—Commissioners' Amendment, 1901.

Impeachment

TEN DAYS before the hearing, the articles of impeachment must be served on the defendant. 740 PC.

TEN DAYS before the hearing, notice thereof must be given to the officer accused of misconduct in office. 760 PC.

Imprisonment

TEN DAYS after the arrest, the person held in custody in a civil action may apply for his discharge, and such application may be made every succeeding TEN DAYS. 1150 CCP.

ONE DAY'S notice of the hearing of an application for discharge must be given to the plaintiff. 1145 CCP.

ONE WEEK'S payment for the support of the prisoner must be made in advance by the creditor. 1154 CCP.

Imprisonment—False

ONE YEAR after the cause of action arises,
an action for false imprisonment must be
commenced. 340 CCP.

Incompetent Person

FIVE DAYS' notice of the hearing of a
petition for guardianship must be given to
the supposed incompetent person.
1763 CCP.

Indictment

THIRTY DAYS after a person has been held
to answer for a public offense, an indictment
must be found or information filed.
1382 PC.

THIRTY DAYS after the finding of an indict-
ment or filing of the information, the
defendant must be brought to trial.
1382 PC.

ONE DAY at least must be allowed the de-
fendant, when he requires it, to answer to an
indictment or information. 990 PC.

INDICTMENT THREE YEARS after the commission of a felony, other than murder, an indictment must be found or information filed.

800 PC.

ONE YEAR after the commission of a misdemeanor, an indictment therefor must be found or information filed.

801 PC.

Information

THIRTY DAYS after the commitment the District Attorney must file the information.

809 PC.

See Indictment.

Injunction

TWELVE MONTHS is the limit of time within which an injunction granted prior to the trial can continue in force.

527 CCP.

FIVE DAYS after service of the injunction, the defendant may except to the sufficiency of sureties, and they have to justify upon

notice to the defendant of not less than **INJUNCTION**
TWO nor more than **FIVE DAYS**.

529 CCP.

Injuries

TWO YEARS after the death of a person caused by neglect or wrongful act of another, an action to recover damages therefor must be commenced.

339 CCP.

ONE YEAR after the cause of action for libel, slander, assault and battery, false imprisonment or seduction arises, an action therefor must be commenced.

340 CCP.

THREE YEARS after the cause of action for injury of goods or chattels arises, the action must be commenced.

338 CCP.

See Damages.

Inventory

See Executor and Administrator,
Guardian and Ward.

Judge

See Disqualification of.

Judgment

Entry

TWENTY-FOUR HOURS after the rendition of a verdict, the judgment must be entered.

664 CCP.*

SIX MONTHS after the rendition of a judgment the same must be entered.

581 CCP.*

TWO DAYS after the costs are taxed and ascertained the same must be inserted in the judgment.

1035 CCP.

Execution

FIVE YEARS after the entry of judgment the same must be enforced.

901 CCP.

* According to the Commissioners' Amendment of 1901, there is no specified time of entry of a judgment if the trial has been had by the Court; the clerk must enter such judgment immediately after filing of the decision.

See Sec. 664 CCP.—Commissioners' Amendment, 1901.

FIVE YEARS after the entry of a judgment
an execution thereon must be issued.

681 CCP.

JUDGMENT

TWO DAYS at least after a verdict of guilty
in a case of felony, the Court may pronounce
judgment.

1191 PC.

**In criminal
cases**

TWENTY DAYS after the rendition of judg-
ment in the Supreme Court, an application
may be made for hearing of the cause in
Bank.

RSC XXVII-1.

**Application
for hearing
in Bank**

NINETY DAYS after the submission of a
cause in which the opinion is to be written,
the opinion must be filed.

RSC XXX-3.

**Written
opinion of
the Court**

TWO YEARS a judgment of the Justices'
Court, when recorded, is a lien upon the
real property of the defendant.

900 CCP.

**Judgment
lien**

FIVE YEARS a docket judgment is a lien
upon all the real property of the judgment
debtor.

671 CCP.

TWO YEARS is the limit of time within
which a transcript of the original docket
filed with the Recorder of another county,

JUDGMENT is a lien upon the real property of that county. 674 CCP.*

Relief from judgment **TEN DAYS** after the entry of the judgment in the Justices' Court, an application for relief therefrom, when the same was taken by default, must be made. 859 CCP.

SIX MONTHS after judgment an application for relief from a judgment taken through mistake, inadvertence, surprise or excusable neglect, must be made. 473 CCP.

Motion to vacate judgment **TEN DAYS'** notice of a motion to vacate or set aside a judgment must be given. 663½ CCP.

SIXTY DAYS after the service of notice of motion to vacate or set aside a judgment, such motion must be made. 663½ CCP.†

See **Appeal**.

* **FIVE YEARS** after entry a judgment is a lien upon the property of the judgment debtor in another county when a transcript of the judgment has been filed with the Recorder of that county.

674 CCP.—Commissioners' Amendment, 1901.

† **TWENTY DAYS** after the service of notice the motion must be made.

663a CCP.—Commissioners' Amendment, 1901.

Jury

THREE DAYS prior to the day set for hearing, the request for a trial by jury must be made in a case of contesting a will.

1312 CCP.*

Justification

See Appeal, Attachment, Exceptions, Sureties, Undertaking.

Landlord and Tenant

THREE DAYS' notice to perform the conditions of a lease must be given to a tenant, and, if the tenant does not perform the same within that period of time, he is liable for unlawful detainer. 1160, 1161 CCP.

**Unlawful
Detainer**

THIRTY DAYS after the entry of a judgment, by virtue of which a lease is declared forfeited, a tenant may make application for relief (restoration of the lease).

1179 CCP.

* Repealed:—Commissioners' Amendment, 1901.

**LANDLORD
AND TENANT**

FIVE DAYS after the entry of a judgment whereby an unlawful detainer is adjudged, before the expiration of the lease, on account of the non-payment of rent, the judgment may be issued. 1174 CCP.

**Time for
which
property
may be let**

TEN YEARS is the limit of the power of an owner to let or grant land for agricultural purposes when rent or service of any kind is to be received. 717 CC.*

TWENTY YEARS is the limit of time for which the owner may let or grant any town or city lot, when by the terms of the lease or grant a rent or service of any kind is reserved. 718 CC.†

**Notice to
quit**

ONE MONTH'S notice of the termination of a tenancy or other estate at will must be given to the tenant. 789 CC.

* According to the Commissioners' Amendment of 1901, the limit of time is changed to THIRTY YEARS.

† According to the Commissioners' Amendment of 1901, the limit of time is changed to FIFTY YEARS.

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| <p>THREE DAYS' notice of the re-entry must be given where the right of re-entry has accrued.</p> | <p>LANDLORD AND TENANT Notice of re-entry</p> |
| <p>791 CC.</p> | |
| <p>FIFTEEN DAYS' notice of a change of the terms of a lease must be given to a tenant in all leases or tenements from month to month.</p> | <p>Notice of change of terms</p> |
| <p>827 CC.</p> | |
| <p>See Adverse Possession, Detainer.</p> | |

Legatees

FOUR MONTHS after the issuance of letters testamentary, the legatees may file a petition for partial distribution. 1658 CCP.

See **Estate, Executor and Administrator, Probate.**

Letters of Administration

See **Administrator, Executor and Administrator.**

Letters of Guardianship

See **Guardian and Ward.**

Letters Testamentary

See **Executor and Administrator.**

Libel

ONE YEAR after the cause of action for libel arises, an action must be begun.

340 CCP.

Liens

ONE YEAR from the time that a demand for services rendered, work, supplies, injury to property or person, or non-performance of an obligation arises, the same is a lien upon steamers, vessels and boats. 813 CCP.

SIXTY DAYS' wages, earned immediately preceding the death of an employer, and not exceeding the sum of one hundred dollars, are a lien upon all the property of the deceased, and rank next after the funeral expenses. 1204, 1205 CCP.

See **Judgment, Mechanics' Liens.**

Limitations—Statute of

FOUR YEARS after the cause of action arises, **Contract**
an action upon a contract or obligation
founded upon an instrument in writing,
executed in this State, must be commenced.
337 CCP.

TWO YEARS after the cause of action arises,
an action upon a contract, obligation or
liability, not founded upon an instrument in
writing or founded upon an instrument in
writing executed out of the State, must be
begun.
339 CCP.

SIX MONTHS after the sale, an action to **Corporations**
recover stock sold for delinquent assessments
must be commenced.
347 CC.

THREE YEARS after the discovery of facts
constituting a cause of action, the action
against the directors or stockholders of a
corporation to recover a penalty or forfeiture,
or to enforce a liability, must be com-
menced.
359 CCP.

LIMITATIONS **THREE YEARS** after the commission of a
—STATUTE OF felony, other than murder, an indictment
In criminal must be found or information filed.
cases 800 PC.

ONE YEAR after the commission of a misde-
 meanor, an indictment therefor must be
 found or information filed. 801 PC.

Divorce **TWO YEARS** after the discovery of an act of
 adultery by the injured party, or the com-
 mission of the same, an action for divorce on
 the ground of adultery must be brought.
 124 CC.

TWO YEARS after the pardon or the termin-
 ation of the period of sentence, an action for
 divorce must be commenced, when the cause
 thereof is a conviction of felony.
 124 CC.

Escape **ONE YEAR** after the cause of action arises,
 an action against a Sheriff or other officer for
 the escape of a prisoner must be com-
 menced. 340 CCP.

Fraud **THREE YEARS** after the cause of action
 arises, an action for relief on the ground of
 fraud or mistake must be commenced.
 338 CCP.

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|--|---|
| THREE YEARS after the cause of action arises, an action for taking, detaining or injuring any goods or chattels, including actions for the specific recovery of personal property, must be commenced. 338 CCP. | LIMITATIONS —STATUTE OF Injuries to property |
| FIVE YEARS after the entry of a judgment or decree, an action thereon must be brought. 336 CCP. | Judgment |
| ONE YEAR after the cause of action arises, an action upon a statute for a penalty or forfeiture must be begun. 340 CCP. | Penalty |
| TWO YEARS after the cause of action arises, an action for recovery of damages for one's death, caused by the negligence or wrongful act of another, must be brought. 339 CCP. | Personal injuries |
| ONE YEAR after the cause of action arises, an action for libel, slander, assault and battery, false imprisonment, and seduction, must be commenced. 340 CCP. | |
| TEN YEARS after the right or title to any real property or the issue or profits thereof | |

**LIMITATIONS
—STATUTE OF**

shall have accrued, the people of the State will not sue any person for or with respect to any such property, issue or profits.

315 CCP.

FIVE YEARS is the limit of time within which an action to recover real property must be brought.

317, 318 CCP.

FIVE YEARS is the limit of time within which an action arising out of the title to real property must be brought.

317 CCP.

ONE YEAR after making an entry upon real property, an action must be commenced thereupon in order to make such entry valid as a claim.

320 CCP.

FIVE YEARS after the cause of action arises, an action for mesne profits on real property must be commenced.

336 CCP.

**Redemption
of mortgage.**

FIVE YEARS after breach of condition of a mortgage, an action to redeem the mortgage must be commenced.

346 CCP.

SIX MONTHS after the death of a person, if the person dies before the expiration of the time limited for the commencement of an action, the same may be brought by his representatives. 353 CCP.

**LIMITATIONS
—STATUTE OF
Representa-
tives of
deceased
persons**

ONE YEAR after the issuing of letters testamentary or of administration, an action may be commenced against the representatives of a decedent, if the person against whom an action may be brought dies before the expiration of the time limited for the commencement thereof. 353 CCP.

ONE YEAR after the reversal of a judgment on appeal, a new action may be commenced by the plaintiff, or, if he die, by his representative. 355 CCP.

TWO YEARS after the cause of action against a Sheriff, Coroner or Constable, upon liability incurred in official capacity, arises, an action thereon must be brought. 339 CCP.

**Sheriff
Coroner
Constable**

TWO YEARS after the cause of action has accrued, an action against the State on a

State

**LIMITATIONS
—STATUTE OF** claim upon a contract or for negligence must
be commenced. p. 868 App. CCP.

**Statutory
liability** THREE YEARS after the liability created by
statute, other than a penalty or forfeiture,
arises, an action must be commenced thereon.
338 CCP.

**Tax
Collector** SIX MONTHS is the limit of time within which
an action against an officer or officers *de facto*,
to recover property seized in the capacity as
Tax Collector, must be commenced.
341 CCP.

**Time to
commence
actions,
generally** FOUR YEARS after the cause of action arises,
all actions for relief not provided for by the
code must be commenced. 343 CCP.

Trespass THREE YEARS after the cause of action
arises, an action for trespass upon real
property must be commenced.
338 CCP.

See Alien, Annulment of Marriage,
Divorce, Indictment, Probate.

Mandamus

TEN DAYS' notice of the application for a writ of mandamus must be given.

1088 CCP.

Marriage

See Annulment, Divorce, Limitations—Statute of.

Married Woman

See Sole Trader.

Master and Servant

TWO YEARS is the limit of time for which a contract of apprenticeship can be enforced against an employer.

1980 CC.

Mechanics' Liens

SIXTY DAYS after the filing of a notice of completion, the original contractor must file his claim with the Recorder.

1187 CCP.

**MECHANICS'
LIENS**

THIRTY DAYS after the original contractor has filed his claim, any other person may file his claim with the Recorder, and such filing must take place in no case later than **NINETY DAYS** after the completion of the building.

1187 CCP.

NINETY DAYS after a claim has been filed the lien is in force, and in no case is a claim a lien upon the property for a longer time than **TWO YEARS** after the work is completed.

1190 CCP.

See Liens.

Mining

See **Executor and Administrator.**

Minor

See **Guardian and Ward.**

Mortgage

THIRTY DAYS after the sale, the report of the Commissioner must be filed.

729 CCP.

FIVE YEARS after the breach of a condition of a mortgage, an action to redeem the mortgage must be brought. 346 CCP.

Motion

FIVE DAYS before the day of hearing, a notice of motion must be given if said notice is served in the same city and county ; if the notice is served elsewhere, the same must be given within TEN DAYS before the day of hearing ; when notice is served by mail, then the number of days must be increased at least ONE DAY for every twenty-five (25) miles, not to exceed in all THIRTY DAYS.

1005 CCP.

**Notice of
motion**

TEN DAYS after the notice of the rendition of a judgment or decree, the party intending to make a motion to set aside or vacate the same must give notice of his motion.

663½ CCP.

**Motion to set
aside
judgment**

MOTION SIXTY DAYS after the service of notice of intention to make a motion to set aside or vacate judgment, said motion must be made.
663½ CCP.*

Motion to tax costs FIVE DAYS after notice of the filing of a bill of costs, a party dissatisfied with the costs claimed may make a motion to have the same taxed. 1033 CCP.

Notice of motion in the Supreme Court TEN DAYS' notice of motion must be given in the Supreme Court. RSC XX-1.

See New Trial.

Name—Change of

FOUR WEEKS a petition for change of name must be published. 1277 CCP.

* TWENTY DAYS after service of notice thereof the motion must be made.

663a.—Commissioners' Amendment, 1901.

Negligence

TWO YEARS after the cause of action arises, an action to recover damages for the death of a person caused by the wrongful act or negligence of another must be commenced.

339 CCP.

New Trial

TEN DAYS after the verdict of a jury, when the case is tried with a jury, the notice of intention to move for a new trial must be given to the opposing party ; and when the case was tried without a jury, said notice must be given within TEN DAYS after the decision.

659 CCP.

TEN DAYS after the service of notice of motion, the affidavits on the motion for a new trial, when the motion is based upon affidavits, must be served on the opposing party.

659 CCP.

TEN DAYS after the receipt of the affidavits upon which the motion for a new trial is based, counter-affidavits must be served and filed.

659 CCP.

NEW TRIAL **TEN DAYS** after the notice of intention to
Statement move for a new trial, a draft of the statement
must be prepared by the moving party.

659 CCP.

TEN DAYS after the service of the statement
upon the adverse party, proposed amend-
ments must be served upon the moving
party.

659 CCP.

TEN DAYS after the receipt of the amend-
ments, the statement, together with the
amendments, must be presented to the Judge
or be delivered to the clerk upon **FIVE**
DAYS' notice to the adverse party.

659 CCP.

Notice

Appeal **SIX MONTHS** after the entry of the final
judgment, notice of appeal must be given.

939 CCP.

NINETY DAYS after the entry of the judg-
ment in the inferior Court, notice of appeal
must be given.

939 CCP.

SIXTY DAYS after the entry of an order or interlocutory judgment, notice of appeal must be given. **NOTICE**
939 CCP.

THIRTY DAYS' notice of appeal must be published in criminal actions when personal notice cannot be made. 1241 PC.

FIVE DAYS' notice of a motion to dismiss the appeal must be given in criminal actions. 1248 PC.

FOUR DAYS prior to the application for the entry of an award as judgment, notice thereof must be given. **Award**
1286 CCP.

FIVE DAYS' notice of the surrender of the defendant must be given to the District Attorney for the purpose of exonerating the bail. **Bail**
1300, 1302 PC.

FIVE DAYS after service of the proposed amendments, notice of the presentment of the bill of exceptions or statement for settlement must be given. **Bill of exceptions**
650, 659 CCP.

| | |
|------------------------------------|---|
| NOTICE Compromise | FIVE DAYS' notice of the acceptance of an offer to compromise must be given. 997 CCP. |
| Creditors | FOUR WEEKS' notice by publication must be given by the executor and administrator to all persons to exhibit their claims, and the time therefor must be TEN MONTHS after the first publication when the estate exceeds the value of \$10,000, and FOUR MONTHS when the estate does not exceed the value of \$10,000. 1491 CCP. |
| Deposition | FIVE DAYS' notice of the taking of a deposition of a witness out of the State must be given to the adverse party. 2024 CCP. |
| Discharge | ONE DAY before the hearing of an application for discharge from arrest, notice of the application must be given to the plaintiff. 1145 CCP. |
| Dissolution | FIVE DAYS' notice of the hearing of an application for the dissolution of a savings or loan association must be given to the claimants having demands against such corporation. 1234 CCP. |

THIRTY DAYS after the filing of an undertaking on appeal, notice of exception to the sureties must be given.
948 CCP.

NOTICE
Exception to
sureties

TWENTY DAYS after the notice of exception to the sureties on appeal, the appellant must give notice of the place and time of justification.
948 CCP.

FIVE DAYS after service of summons, the notice of exception to the sufficiency of sureties on attachment must be given.
539 CCP.

TWO DAYS at least before the hearing, the plaintiff must give notice to defendant of time and place of the justification of sureties on attachment.
539 CCP.

TEN DAYS after the filing of an undertaking in the case of arrest of the defendant, plaintiff must give notice of his refusal to accept the bail.
492 CCP.

FIVE DAYS after receipt of notice refusing to accept bail, the Sheriff must give notice to

NOTICE

the plaintiff of the justification of the sureties; and said justification must take place in not less than FIVE DAYS nor more than TEN DAYS thereafter. 492 CCP.

TWO DAYS after the service of an undertaking, notice of exception to the sureties in an action for claim and delivery must be given. 513 CCP.

FIVE DAYS after service of an injunction, notice of exception to sureties on injunction must be given to the plaintiff; and the sureties must justify within not less than TWO nor more than FIVE DAYS thereafter. 529 CCP.

TEN DAYS after the service of summons, notice of exception to sureties in an action for libel and slander must be given, and the sureties must justify within not less than FIVE DAYS nor more than TEN DAYS thereafter. p. 862 App. CCP.

Execution

FIVE DAYS' notice of the sale of personal property on execution must be posted. 692 CCP.

TWENTY DAYS' notice of the sale of real property on execution must be posted. **NOTICE**

692 CCP.

TEN DAYS' notice of the sale of a steamer on execution must be published.

824 CCP.

TEN DAYS' notice of a hearing of a petition for letters of administration must be given by posting said notice in at least three public places. **Executor and administrator**

1373 CCP.

TEN DAYS' notice of the sale of personal property by the executor and administrator must be given.

1526 CCP.

ONE WEEK at least notice of sale of real property by the executor and administrator must be published.

1549 CCP.

TEN DAYS' notice of the hearing of an article of impeachment must be given to the defendant. **Impeachment**

740 PC.

FIVE DAYS' notice of the hearing of an application to declare a person incompetent **Incompetent person**

| | |
|--------------------------|--|
| NOTICE | must be given to the supposed incompetent person. 1763 CCP. |
| Motion | FIVE DAYS before the hearing, a notice of motion must be given in the same city and county ; if the service of said notice is made elsewhere, the notice must be given within TEN DAYS before the hearing ; and when the notice is served by mail, then the number of days must be increased ONE DAY for every twenty-five miles, not to exceed in all THIRTY DAYS. 1005 CCP. |
| | TEN DAYS before the hearing in the Supreme Court notice of motion must be given. RSC XX-1. |
| Probate of will | TEN DAYS' notice of the hearing of the probate of a will must be given. 1303, 1304 CCP. |
| Sole trader | FOUR WEEKS' notice of the intention of a married woman to become a sole trader must be published. 1812 CCP. |
| Transfer of cause | ONE DAY'S notice of a transfer of a cause in the Justices' Court must be given. 836 CCP. |

TEN DAYS' notice of the filing of the settlement of an account by the trustee of the estate must be given. 1699 CCP.

NOTICE
Trustee

See Appeal, Executor and Administrator, Landlord and Tenant, Probate.

Nuncupative Will

See Probate.

Offer of Compromise.

FIVE DAYS after offer of a compromise the same must be accepted, if at all. 997 CCP.

Order.

SIXTY DAYS after entry of an order, an appeal must be taken. 939 CCP.

Particulars—Bill of

FIVE DAYS after demand, a bill of particulars must be delivered to the adverse party. 454 CCP.

Partial Distribution

FOUR MONTHS after the issuing of letters testamentary, legatees may file petition for partial distribution. 1658 CCP.

Partition

SIXTY DAYS after making the order to sell, the tenants in common have the prior right to purchase the property at the appraised valuation. 763 CCP.

Peace—Bond to Keep the

See Bond, Undertaking.

Penalty

ONE YEAR is allowed to bring an action for a statute penalty. 340 CCP.

THREE YEARS are allowed to bring an action upon statute liability other than a penalty. 338 CCP.

THREE YEARS after the discovery of the facts, an action may be brought against directors or stockholders of a corporation to recover a penalty. **PENALTY**
359 CCP.

Pleadings

THIRTY DAYS' more time to plead may be given to the party without the consent of the adverse party.
1054 CCP.

See Answer, Appeal.

Police Court

THIRTY DAYS after rendition of a judgment in a Police Court, an appeal must be taken.
974 CCP.

Possession

See Adverse Possession.

Postponement

FOUR MONTHS' postponement of a trial may be granted in the Justices' Court on application.
876 CCP.

**POSTPONE-
MENT**

TWENTY DAYS is the limit of the power of the Court to continue a trial for the determination of a contested election.

1121 CCP.

THREE HOURS' postponement of a trial, upon application of the plaintiff, discharges the defendant from custody. 876 CCP.

Preferred Claims

SIXTY DAYS' earnings of employees immediately preceding the death of the employer, not exceeding the amount of one hundred dollars, are preferred claims.

1204, 1205 CCP.

Prescription

See **Adverse Possession, Limitations**—Statute of.

Presumption

THIRTY-YEARS' old document is presumed to be genuine, having been so considered by the parties interested. 1963 CCP.

SEVEN YEARS' absence of a person, without his having been heard from, raises the presumption of his death. 1963 CCP.

PRESUMPTION

FIVE YEARS' use by the public of land for a burial ground creates the presumption that this ground was intended by the owner to be dedicated to the public. 1963 CCP.

Prisoner

ONE YEAR is allowed within which to bring an action against a Sheriff or other officer for the escape of a prisoner. 340 CCP.

ONE WEEK'S pay for the support of the prisoner must always be made in advance by the creditor. 1154 CCP.

Probate

THIRTY DAYS after the death of the testator, the custodian of a will must deliver the same to the Court or to the executor.

Petition for probate of will

1298 CCP.

PROBATE THIRTY DAYS after notice of the death of the testator, the executor named in the will must file a petition for probate of the will and for letters testamentary. 1301 CCP.

TEN DAYS at least after filing of a petition for probate, and no more than THIRTY DAYS thereafter, the petition must be heard; notice of the hearing must be published at least TEN DAYS. 1303, 1304 CCP.

Nuncupative wills TEN DAYS after the death of the testator, a petition for probate of a nuncupative will must be filed. 1345 CCP.

Contest ONE YEAR after the probate the validity of a will must be contested. 1327 CCP.

ONE YEAR after the removal of their respective disabilities, infants and persons of unsound mind must contest the probate of a will. 1333 CCP.

TEN DAYS are allowed the contestant within which to amend the petition when the

demurrer thereto was sustained by the **PROBATE**
Court. 1312 CCP.

THREE DAYS prior to the hearing of the
contest, when the probate was granted with-
out a contest, the demand for a jury must be
filed. 1330 CCP.

Public Administrator

SIX MONTHS is the limit of time within
which the Public Administrator must make
return of all the estates of the decedent.
1736 CCP.

See **Administrator**.

Publication

See **Claims, Corporation, Execu-
tion, Executor and Administrator,
Guardian and Ward, Summons.**

Real Property

**Time in
which to
commence
actions**

TEN YEARS after the title has accrued or the rents or profits of real property have last been received, an action to recover real property must be brought by the people.

315 CCP.

FIVE YEARS after letters patent or grants are declared void, an action to recover real property must be commenced.

317 CCP.

FIVE YEARS are allowed within which to commence actions for the recovery of real property, or mesne profits, and to bring other actions arising out of the title of real property.

318, 319, 336 CCP.

THREE YEARS are allowed within which to bring actions for trespass upon real property.

338 CCP.

ONE YEAR after entry, and FIVE YEARS after the right of entry accrued, an action must be brought thereupon, otherwise the entry is void.

320 CCP.

FIVE DAYS after demand, real property must be surrendered by one who unlawfully entered; and, if he does not surrender, he is guilty of forcible detainer. 1160 CCP.

**REAL
PROPERTY**

**Forcible
detainer**

FIVE YEARS after recording, a judgment is a lien upon the real property of the judgment debtor situated in the same county.

Lien

671 CCP.

TWO YEARS after filing of the transcript of the original docket with the Recorder of another county, a judgment is a lien upon the real property of the judgment debtor in that county. 674 CCP.*

See Adverse Possession, Detainer, Execution, Executor and Administrator, Guardian and Ward, Redemption.

* FIVE YEARS after entry, a judgment is a lien upon the property of the judgment debtor in another county when a transcript of the docket was filed with the Recorder of that county.

674 CCP.—Commissioners' Amendment, 1901.

Redemption

Sale on execution

TWELVE MONTHS after the sale of real property on execution, the same may be redeemed by the judgment debtor.

702 CCP.

SIXTY DAYS after the first redemption, the next redemptioner may redeem the real property.

703 CCP.

ONE MONTH after demand, a written statement of the rents and profits must be given to the redemptioner.

707 CCP.

Mortgage

FIVE YEARS after breach of condition of a mortgage, an action may be brought to redeem the mortgage.

346 CCP.

Referee

TWENTY DAYS after the testimony is closed, the referee must report the findings.

643 CCP.

Rejection

See **Executor and Administrator.**

Relief

| | | |
|--|-----------|---------------------------------------|
| TEN DAYS after entry of a judgment by default in the Justices' Court, an application for relief must be brought. | 859 CCP. | Default in the Justices' Court |
| THREE YEARS after discovery of the facts constituting fraud or mistake, an action for relief must be brought. | 338 CCP. | Fraud |
| SIX MONTHS after the rendition of the judgment by default, an application for relief may be made. | 473 CCP. | Default in Superior Court |
| THIRTY DAYS after forfeiture of the lease by judgment of the Court, a tenant may make application for relief and restoration of the lease. | 1179 CCP. | Forfeiture of lease |
| FOUR YEARS are allowed within which to commence action for relief not provided for by the Code. | 343 CCP. | Relief—generally |

Return

| | |
|--------------------------|---|
| Attachment | TWENTY DAYS after receipt of a writ of attachment, the Sheriff must return the writ. 559 CCP. |
| Summons | TWELVE DAYS after the issuing of summons in actions for forcible entry and unlawful detainer, the summons must be returned. 1166 CCP.* |
| Writ of execution | TEN DAYS at least, and no more than SIXTY DAYS, after receipt of a writ of execution, the same must be returned by the Sheriff. 683 CCP. |

Rules

SIXTY DAYS after their publication, Rules of the Supreme Court take effect.

130 CCP.

THIRTY DAYS after publication, Rules of the Superior Court take effect.

130 CCP.

* According to the Commissioners' Amendment of 1901, there is no specific time for the return of the summons.

Search-Warrant

TEN DAYS after the date of issuing of a search-warrant, the same must be executed and returned. 1534 PC.

Settlement

ONE YEAR after granting letters testamentary, the estate of a decedent, in case the same is insolvent, must be settled. 1466 CCP.

**Accounts of
executor and
administra-
tor**

TEN DAYS prior to the day of settlement of the final account of an executor or administrator, notice thereof must be given by posting or publication. 1634 CCP.

ONE YEAR after his appointment, a guardian must present the accounts for settlement and allowance. 1774 CCP.*

**Accounts of
guardian**

TEN DAYS' notice must be given of the hearing of the petition of a trustee to settle the account. 1699 CCP.

**Accounts of
trustee**

See **Executor and Administrator, Guardian and Ward.**

* Repealed :—Commissioners' Amendment, 1901.

Sheriff

See Attachment, Claim and Delivery, Escheated Estates, Execution, Limitations—Statute of, Prisoner, Return, Summons.

Slander

ONE YEAR is allowed within which to commence an action for slander. 340 CCP.

Sole Trader

SIX MONTHS' residence prior to the application of a married woman to become a sole trader is required. 1811 CCP.

State

TWO YEARS after a cause of action has accrued, an action against the State on claims upon contracts or for negligence must be brought. Page 868 App. CCP.

Statement

See Elections — Contesting, New Trial.

Steamer

ONE YEAR after the cause of action accrues, demands for services rendered, work, supplies, injury to property or person, non-performance of obligations, constitute liens on steamers. 813 CCP.

FIVE DAYS after the filing of the claims of mariners for wages due, the same are considered admitted and have to be paid from the proceeds of the sale of a steamer on execution. 826 CCP.

TEN DAYS' NOTICE of the sale of a steamer must be published. 824 CCP.

Summary Proceedings

See Detainer, Forcible Entry.

Summons

ONE YEAR after filing of the complaint summons must issue. 581, 840 CCP.

ONE YEAR after the filing of a complaint alias summons may be issued. 408*, 847 CCP.

ONE YEAR after filing of a complaint the defendant may waive the issuance of summons. 406 CCP.

THREE YEARS after the summons is issued the same must be served upon the defendant. 581 CCP.

TWO MONTHS the summons must be published when the defendant resides out of the State. 413 CCP.

FIVE DAYS before the day fixed for appearance, the summons in criminal actions must be served upon the corporation defendant. 1392 PC.

* According to the Commissioners' Amendment of 1901, there is no specified time for the issuance of alias summons in the Superior Court.

Sureties

TWO DAYS' notice of exception to sureties in actions of claim and delivery must be given to the plaintiff. 513 CCP.

**Exception to
sureties**

THIRTY DAYS after filing of notice of an undertaking, exceptions to the sufficiency of sureties on appeal may be taken.

948 CCP.

FIVE DAYS after filing of an undertaking on appeal from the judgment in the Justices' Court, exceptions to the sureties on appeal must be taken, and the sureties must justify within FIVE DAYS thereafter.

978 CCP.

TWENTY DAYS after notice of exception to the sureties on appeal, in all cases not especially provided for, the sureties must justify upon FIVE DAYS' notice to the respondent.

948 CCP.

FIVE DAYS after service of summons, the defendant may except to the sufficiency of sureties on attachment. 539 CCP.

SURETIES

FIVE DAYS after service of an injunction, the defendant may except to the sufficiency of sureties. 529 CCP.

TEN DAYS after service of summons in an action for libel and slander, notice of exception to sureties must be given.

p. 862, App. CCP.

**Judgment
against
sureties**

FIVE DAYS' notice of the entry of a judgment against the sureties must be given in case that the action is brought against a Sheriff. 1055 CCP.

Surrender

TEN DAYS after judgment, and at any time before the judgment, the bail may surrender the defendant. 488, 489 CCP.

FIVE DAYS' notice of the surrender of the defendant must be given to the District Attorney for the purpose of exonerating the bail. 1300, 1302 PC.

Testimony

FIVE DAYS' notice of the taking of a deposition of a witness residing out of the State must be given to the adverse party.

2024 CCP.

Transcript

FORTY DAYS after the appeal is perfected and the bill of exceptions or statement settled, the transcript of record must be filed.

RSC II-1.

**In civil
cases**

TWENTY DAYS' additional time to file a transcript of appeal may be granted by the Court.

RSC II-3.

THIRTY DAYS after the appeal is taken, a transcript in a criminal case must be filed.

RSC II-7.

**In criminal
cases**

FIVE DAYS are allowed the opposing attorney to join in a certificate that the transcript is correct or to serve a statement of the parts in which the transcript is incorrect.

RSC XI.

Certificate

TRANSCRIPT TWO DAYS after the presentation of a corrected transcript, the opposing attorney must join in a certificate that the transcript is correct. RSC XI.

Objections to transcript FIVE DAYS' notice of exceptions or objections to a transcript must be given to the adverse party. RSC XV.

Transfer

ONE DAY before the time fixed for trial, the notice of transfer of a cause in the Justices' Court must be given. 836 CCP.

Trial

TWENTY DAYS' continuance of a trial of a case of contesting elections may be ordered by the Court. 1121 CCP.

FOUR MONTHS a trial may be postponed in the Justices' Court. 876 CCP.

Trustee

TEN DAYS' notice of the hearing of a petition of a trustee to settle accounts must be given by posting. 1699 CCP.

Undertaking

FIVE DAYS after service of notice of appeal, **On appeal**
the undertaking on appeal must be filed.
940 CCP.

THIRTY DAYS after filing the undertaking on appeal, exceptions may be made to the sufficiency of the sureties. 948 CCP.

TEN DAYS after filing the undertaking of a bail, the plaintiff may refuse to accept the same. 492 CCP.

FIVE DAYS after filing the undertaking on appeal, the adverse party may except to the sufficiency of the sureties in the Justices' and Police Courts, and sureties must justify within FIVE DAYS thereafter.
978 CCP.

UNDERTAKING TWENTY DAYS after notice of exception to sureties on appeal, they must justify upon **FIVE DAYS'** notice to the respondent.
948 CCP.

In actions for libel or slander **FIVE DAYS** after filing of a complaint for libel or slander, the undertaking must be filed.
p. 863 App. CCP.

TEN DAYS after service of summons in actions for libel or slander, notice of exception to sureties must be given; and they must justify within not less than **FIVE DAYS** nor more than **TEN DAYS** thereafter.
p. 862 App. CCP.

To keep peace **SIX MONTHS** is the limit of the validity of an undertaking to keep the peace.
706 PC.

See Attachment, Exception to Sureties, Injunction.

Unlawful Detainer

See Detainer.

Will

THIRTY DAYS after the death of the testator, the custodian of a will must deliver the same to the Court or to the executor.

1298 CCP.

THIRTY DAYS after receipt of knowledge of the death of the testator, an executor must file the will for probate and for issuance of letters testamentary.

1301 CCP.

ONE YEAR after probate, the validity of a will may be contested.

1327 CCP.

THREE DAYS before the hearing, the demand for a trial by jury in a case of contesting a will must be filed.

1330 CCP.

See Probate.

Writing—Instrument in Writing

TEN DAYS after receipt of a copy of the answer, the plaintiff may file an affidavit denying the genuineness of the instrument in writing ; if he fails to do so the due execution and genuineness of the same is deemed admitted.

448 CCP.

INDEX

CODE TIME TABLE

INDEX.

| | PAGE |
|---|------|
| Account..... | 5 |
| Action, see Limitations, Statute of..... | |
| Adjournment..... | 6 |
| Administrator..... | 7 |
| Adverse Possession..... | 14 |
| Affidavit..... | 15 |
| Alias Summons..... | 16 |
| Alien..... | 16 |
| Amended Pleadings..... | 16 |
| Amendments, see Bill of Exceptions..... | |
| Annulment—of Marriage..... | 17 |
| Answer..... | 18 |
| Appeal..... | 19 |
| Appraisement, see Administrator, Executor and Administrator.... | |
| Appropriation..... | 24 |
| Arbitration, see Award..... | |
| Arrest..... | 24 |
| Assault..... | 25 |
| Attachment..... | 25 |
| Attorney, see Conviction..... | |
| Award..... | 26 |
| Bail..... | 26 |
| Battery..... | 27 |
| Bill of Exceptions..... | 27 |
| Bill of Particulars..... | 28 |
| Bond..... | 29 |
| Brief, see Appeal..... | |
| Calendar..... | 29 |
| Change of Names..... | 30 |
| Citation..... | 30 |

| | PAGE. |
|---|-------|
| Claim and Delivery..... | 30 |
| Claims—Preferred..... | 31 |
| Commissioner..... | 31 |
| Commitment, see Information..... | |
| Compromise..... | 32 |
| Condemnation, see Eminent Domain..... | |
| Confirmation..... | 32 |
| Constable..... | 33 |
| Contract..... | 33 |
| Conviction—of Attorney..... | 33 |
| Coroner..... | 34 |
| Corporation..... | 34 |
| Costs..... | 36 |
| Credit..... | 36 |
| Creditors, see Administrator, Executor and Administrator..... | |
| Damages..... | 37 |
| Death—Presumption of..... | 37 |
| Decedent, see Estate, Executor and Administrator..... | |
| Decree..... | 38 |
| Default..... | 39 |
| Demurrer..... | 39 |
| Depository for Hire..... | 40 |
| Deposition..... | 40 |
| Detainer..... | 41 |
| Detainer—Unlawful..... | 41 |
| Directors..... | 43 |
| Discharge..... | 43 |
| Dismissal..... | 44 |
| Disqualification..... | 44 |
| Dissolution..... | 45 |
| Distribution..... | 45 |
| Divorce..... | 45 |
| Docket, see Judgment..... | |
| Document..... | 47 |

| | PAGE. |
|--|-------|
| Elections—Contesting..... | 47 |
| Eminent Domain..... | 48 |
| Entry, see Forcible Entry, Judgment..... | |
| Entry—upon Real Property..... | 48 |
| Escape..... | 48 |
| Escheat..... | 49 |
| Estates of Deceased Persons..... | 49 |
| Examination..... | 51 |
| Exception, see Sureties..... | |
| Execution..... | 51 |
| Executor and Administrator..... | 52 |
| Exemption..... | 59 |
| False Imprisonment..... | 59 |
| Final Account, see Executor and Administrator, Settlement..... | |
| Final Distribution, see Distribution..... | |
| Forcible Entry..... | 60 |
| Foreclosure, see Mortgage, Redemption..... | |
| Forfeiture..... | 61 |
| Fraud..... | 61 |
| Genuineness..... | 61 |
| Guardian and Ward..... | 62 |
| Heirs..... | 64 |
| Homestead..... | 65 |
| Impeachment..... | 66 |
| Imprisonment..... | 66 |
| Imprisonment—False..... | 67 |
| Incompetent Person..... | 67 |
| Indictment..... | 67 |
| Information..... | 68 |
| Injunction..... | 68 |
| Injuries..... | 69 |
| Inventory, see Executor and Administrator, Guardian and Ward.. | |

| | PAGE. |
|---|-------|
| Judge, see Disqualification of..... | |
| Judgment | 70 |
| Jury | 73 |
| Justification, see Appeal, Attachment, Exceptions, Sureties, Undertaking..... | |
| Landlord and Tenant..... | 73 |
| Legatees..... | 75 |
| Letters of Administration, see Administrator, Executor and Administrator..... | |
| Letters of Guardianship, see Guardian and Ward..... | |
| Letters Testamentary, see Executor and Administrator..... | |
| Libel..... | 76 |
| Liens..... | 76 |
| Limitations—Statute of..... | 77 |
| Mandamus..... | 83 |
| Marriage, see Annulment, Divorce, Limitations—Statute of..... | |
| Married Woman, see Sole Trader..... | |
| Master and Servant..... | 83 |
| Mechanics' Liens..... | 83 |
| Mining, see Executor and Administrator..... | |
| Minor, see Guardian and Ward..... | |
| Mortgage | 85 |
| Motion..... | 85 |
| Name—Change of | 86 |
| Negligence..... | 87 |
| New Trial..... | 87 |
| Notice | 88 |
| Nuncupative Will, see Probate..... | |
| Offer of Compromise..... | 95 |
| Order | 95 |

| | PAGE. |
|--|-------|
| Particulars—Bill of..... | 95 |
| Partial Distribution.... | 96 |
| Partition | 96 |
| Peace—Bond to Keep the, see Bond, Undertaking..... | |
| Penalty | 96 |
| Pleadings | 97 |
| Police Court..... | 97 |
| Possession, see Adverse Possession | |
| Postponement..... | 97 |
| Preferred Claims | 98 |
| Prescription, see Adverse Possession, Limitations—Statute of..... | |
| Presumption | 98 |
| Prisoner..... | 99 |
| Probate..... | 99 |
| Public Administrator..... | 101 |
| Publication, see Claims, Corporation, Execution, Executor and Administrator, Guardian and Ward, Summons..... | |
| Real Property..... | 102 |
| Redemption | 104 |
| Referee | 104 |
| Rejection, see Executor and Administrator..... | |
| Relief..... | 105 |
| Return..... | 106 |
| Rules..... | 106 |
| Search-Warrant..... | 107 |
| Settlement..... | 107 |
| Sheriff, see Attachment, Claim and Delivery, Escheated Estates, Execution, Limitations—Statute of, Prisoner, Return, Summons. | |
| Slander..... | 108 |
| Sole Trader..... | 108 |
| State..... | 108 |
| Statement, see Elections—Contesting, New Trial..... | |
| Steamer | 109 |
| Summary Proceedings, see Detainer, Forcible Entry..... | |
| Summons..... | 110 |

| | PAGE. |
|--------------------------------------|-------|
| Sureties..... | 111 |
| Surrender..... | 112 |
| Testimony..... | 113 |
| Transcript..... | 113 |
| Transfer | 114 |
| Trial..... | 114 |
| Trustee..... | 115 |
| Undertaking | 115 |
| Unlawful Detainer, see Detainer..... | |
| Will..... | 117 |
| Writing—Instrument in Writing..... | 117 |

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